

Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 HAMILTON 177

E.O. 11652: GDS
TAGS: PINT, MILI, BD
SUBJECT: RETURN OF LANDS HELD BY US UNDER LEASED BASED
AGREEMENT OF 1941 (LBA)
REFS: (A) HAMILTON 134
(B) ANNEX PROGRAM REPORT, 11 APRIL 1974.

1. SUMMARY: REF B PROVIDES DETAILED BACKGROUND CONCERNING
STATUS OF CERTAIN LANDS HELD BY USG UNDER US/UK LBA OF 1941.
FOR THE PAST THREE YEARS WITH AN EVER CHANGING CAST OF
NEGOTIATORS ON BOTH THE GOVERNMENT OF BERMUDA (GOB) SIDE
AND THE USG SIDE, DISCUSSIONS HAVE BEEN HELD INTERMITTENTLY
AND WITH VARYING DEGREES OF BONA-FIDE INTEREST ON THE PART
OF THE GOB. IN RECENT WEEKS, PRESSURE FROM OPPOSITION

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PARTY HAS INDUCED GOB TO TAKE NEGOTIATIONS MORE SERIOUSLY
AND TO SEEK EARLY AGREEMENT THAT WOULD RESULT IN RETURN
OF SOME LANDS (CURRENTLY EXCESS TO USG NEEDS)
IN EXCHANGE FOR GOB ASSUMING CERTAIN OBLIGATIONS WHICH ARE
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CURRENTLY RESPONSIBILITY OF USG. DISCUSSIONS BETWEEN GOB
REPS, COMMANDER OF THE NAVAL AIR STATION (NAS) AND MYSELF
HAVE RESULTED IN POINTS OF REFERENCE DETAILED BELOW.

2. THROUGHOUT PERIOD OF INFORMAL DISCUSSIONS HELD WITHIN
PAST YEAR, PRINCIPAL POINT OF CONTENTION WAS USG INSISTENCE
THAT GOB TAKE OVER RESPONSIBILITY FOR OPERATION AND MAIN-

TENANCE OF LONGBIRD BRIDGE WHICH PROVIDES THE ONLY LINK FROM EASTERN END OF THE ISLAND (INCLUDING THE CIVIL AIRPORT AND NAS). THE USG IS CLEARLY OBLIGATED UNDER TERMS OF LBA, TO MAINTAIN AN ARTERIAL LINK SIMILAR TO THAT PRESENTLY PROVIDED BY LONGBIRD BRIDGE. OUR NEGOTIATING STANCE UNTIL RECENTLY WAS TO DIVEST THE USG OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF LONGBIRD BRIDGE AND ITS APPROACH CAUSEWAY. IN VIEW OF GOB RELUCTANCE TO ASSUME RESPONSIBILITY FOR THIS CLEAR-CUT US OBLIGATION, WE HAD, IN THE PAST, DEVELOPED SEVERAL PROPOSED FORMULAE WHICH WOULD

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PARTIALLY INDEMNIFY GOB FOR MAINTENANCE COSTS THROUGHOUT REMAINING TERM OF THE LEASE. NONE OF THESE WERE ACCEPTABLE TO GOB AND DISCUSSIONS BOGGED DOWN ON THAT POINT.

3. THE RECURRING IRRITANT IN THE DISCUSSIONS WAS GOB'S INSISTENCE THAT THE LONG RANGE SOLUTION TO THE LONGBIRD BRIDGE PROBLEM WAS EVENTUAL CONSTRUCTION BY USG OF A FIXED SPAN BRIDGE ASSURING A STABLE, PERMANENT ARTERIAL CONNECTION WITHOUT THE MAINTENANCE PROBLEM POSED BY THE CURRENT SWING BRIDGE. THIS REQUEST WAS GIVEN ADDED IMPETUS BY ADVICE OF GOB LEGAL REPRESENTATIVE IN WASHINGTON (WILLIAM RAGAN OF RAGAN & MASON, 900 17TH STREET, N.W.), WHO HAS ADVISED LOCAL
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OFFICIALS THAT REQUEST WAS REASONABLE AND COULD EVENTUALLY BE WORKED OUT WITH APPROPRIATE CONGRESSIONAL COMMITTEES. IN SPITE OF GRAVE RESERVATIONS IN THIS REGARD OFTEN REPEATED BY THE NAS COMMANDER AND MYSELF, THIS SOLUTION HAS DEVELOPED INTO AN INFLEXIBLE POSITION BY THE GOB AND ANY ATTEMPT ON OUR PART TO INCORPORATE MAINTENANCE OF THE LONGBIRD BRIDGE INTO A VIABLE NEGOTIATING PACKAGE HAS BEEN FRUSTRATED.

4. IN EARLY MARCH, GOB HAD INFORMATION THAT THE OPPOSITION

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PARTY WOULD ATTEMPT TO BRING GOVERNMENT TO TASK FOR NOT MOVING FORWARD ON THE NEGOTIATIONS TO HAVE BASICALLY UNUSED LEASED LANDS RETURNED TO THE BERMUDIANS FOR DEVELOPMENT OF LOCAL INDUSTRIES AND RECREATIONAL ACTIVITIES. THE GOB AT THAT POINT THREW POLITICAL CONSIDERATIONS INTO THE EQUATION AND REQUESTED EARLY AGREEMENT TO A FORMULA WHEREBY CERTAIN LANDS AND SOME EXISTING BUILDINGS IN THE ANNEX AREA BE MADE AVAILABLE TO THE GOB. THE FOLLOWING PRESENTS THOSE POINTS

OF REFERENCE THAT WE SUGGESTED BE FORWARDED TO THE DEPARTMENT AND TO DOD FOR CONSIDERATION AND WHICH THE LOCAL NEGOTIATORS CONSIDER TO BE AN EQUITABLE PACKAGE FOR PRELIMINARY RESOLUTION OF PROBLEMS NAS IS ENCOUNTERING HERE AND WHICH WILL DEFUSE PROBABLE CRITICISM OF GOB BY OPPOSITION PARTY.

QUOTE: A. THE USG IS PREPARED TO RETURN TO THE GOB APPROXIMATELY 5.3 ACRES OF LAND AT THE SOUTHEAST CORNER OF THE LEASED PROPERTY AND TO LEASE BACK APPROXIMATELY 25 ACRES OF MODIFIED LAND AT THE EAST END OF THE NAS ANNEX PENINSULA. CONSTITUTION ROAD WILL BECOME A JOINT-USE ARTERY; HOWEVER, CERTAIN SECURITY FENCES WILL BE REQUIRED.

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B. THE USG IS PREPARED TO RETURN TO THE GOB CERTAIN OUTLYING LEASED PROPERTY WITH RIGHT-OF-WAY AS FOLLOWS:

HM DOCKYARD 0.015 ACRES
DANIELS HEAD 0.34 ACRES
MOUNT HILL 0.32 ACRES
CEMETARY HILL 1.35 ACRES
SKINNERS HILL 0.93 ACRES

OUTLYING PROPERTY TO BE RETAINED BY THE USG FOR RESEARCH AND/OR OPERATIONAL REQUIREMENTS ARE PROSPECT BARRACKS, HIGH POINT, TOWN HILL, GIBBS HILL AND PAYNTERS HILL.

C. THE USG WILL MAKE AVAILABLE TO THE GOB A PORTION OF BUILDING A25 AT THE NAS ANNEX. LOWER LEVEL DISCUSSION OF THE PROPOSED USE OF THIS BUILDING WILL BE REQUIRED. OTHER FACILITIES AT THE NAS ANNEX CAN BE MADE AVAILABLE TO THE GOB FOR JOINT-USE WITH THE USG ON A CASE-BY-CASE BASIS.

D. THE GOB WILL TAKE OVER THE TOTAL RESPONSIBILITY FOR THE CAUSEWAY AND KINDLEY FIELD ROAD. ALSO, THE OPERATION OF LONGBIRD BRIDGE BUT NOT THE MAINTENANCE OF THE BRIDGE.

E. IN CONJUNCTION WITH THE CAUSEWAY AND KINDLEY FIELD ROAD, THE GOB WILL TAKE OVER THE RESPONSIBILITY FOR

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FERRY REACH CHANNEL.

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F. THE GOB WILL TAKE OVER THE RESPONSIBILITY FOR THE FIVE DUNDONALD CHANNEL MARKERS IN THE GREAT SOUND.

G. IN CONJUNCTION WITH THE LEASE BACK OF PARCELS OF LAND FOR TWO SHORT TAXIWAYS AT CIVIL AIR TERMINAL (CAT), THE GOB WILL TAKE OVER THE RESPONSIBILITY OF TAXIWAY UPKEEP AND GROUNDS MAINTENANCE AND UPKEEP IN THE VICINITY OF THE CAT AND CATERING COMPLEX. UNQUOTE.

5. 5.3 ACRES NOTED IN POINT "A) IS UNUSED. BALANCE OF APPROXIMATELY 25 ACRES COMPRISING A PORTION OF THE PENINSULA AREA AT THE ANNEX IS CURRENTLY EXCESS TO USG REQUIREMENTS AND UNSIGHTLY BUILDINGS LOCATED IN THAT PORTION HAVE BEEN SUBJECT OF CONGRESSIONAL CORRESPONDENCE OVER PAST FEW YEARS. SMALL AREAS MENTIONED IN POINT "B" ARE EXCESS FOR CURRENT OR ANTICIPATED NEEDS AND PRESENT SOME HOUSEKEEPING PROBLEMS TO NAS. BUILDING A25 NOTED IN POINT "C" IS FORMER GALLEY FACILITY NOW BEING PUT TO MARGINAL USE. GOB DESIRES THIS BUILDING TO FORM NUCLEUS OF LOCAL FISH PROCESSING PLANT. POINTS "D" THROUGH "G" ARE SELF-EXPLANATORY AND WOULD, IF AGREED TO, PROVIDE SOLUTION NAS CONCERNS REGARDING OPERATION

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OF LONGBIRD BRIDGE AND JURISDICTION OVER FERRY REACH FORE-SHORE AREA.

6. RECOMMENDATION: CONGEN SUGGESTS THAT FOREGOING POINTS OF REFERENCE PRESENT EQUITABLE SOLUTION TO PRACTICAL CONCERNS OF NAS AND POLITICAL AND PRACTICAL CONCERNS OF GOB. ANY FURTHER ATTEMPT TO PRESSURE GOB TO ASSUME MAINTENANCE RESPONSIBILITIES FOR LONGBIRD BRIDGE WOULD, IN MY OPINION, BE FRUITLESS. ON THE OTHER HAND, PRESENT GOVERNMENT IS BEING KEPT ON THE DEFENSIVE BY THE OPPOSITION PARTY ON THE QUESTION OF RETURN OF SOME OF THE LEASED LANDS. THE POINTS OF REFERENCE HAVE BEEN SUBMITTED TO DEPARTMENT OF NAVY FOR STUDY. IT IS SUGGESTED THAT BUREAU MAKE EARLY CONTACT WITH DEPUTY CHIEF OF NAVAL OPERATIONS (OP-06) (PLANS, POLICY AND OPERATIONS) FOR DETAILED BRIEFING ON CURRENT POINTS OF REFERENCE WITH A VIEW TOWARDS SETTING INTO MOTION THE MACHINERY FOR FORMAL AGREEMENT IN THE NEAR FUTURE.

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